

Regular Session, 2009

HOUSE BILL NO. 442

BY REPRESENTATIVE SMILEY

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

MTR VEHICLE/MOTORCYCLES: Transfers the Motorcycle Safety, Awareness, and Operator Training Program to DPS&C

1 AN ACT

2 To amend and reenact R.S. 49:308.3(D), to enact R.S. 32:402.3, and to repeal R.S. 17:282,  
3 relative to the Motorcycle Safety, Awareness, and Operator Training Program; to  
4 transfer administration of the Motorcycle Safety, Awareness, and Operator Training  
5 Program to the Department of Public Safety and Corrections; and to provide for  
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 32:402.3 is hereby enacted to read as follows:

9 §402.3. Motorcycle Safety, Awareness, and Operator Training Program; fund

10 A. The Department of Public Safety and Corrections shall establish and  
11 operate a Motorcycle Safety, Awareness, and Operator Training Program, hereinafter  
12 referred to as the "program", on a statewide basis. The program shall consist of  
13 motorcycle operator training and campaigns to promote participation, motorcycle  
14 safety, and motorcycle awareness. For the purposes of this Section, the word  
15 "motorcycle" shall have the meaning as provided for in R.S. 32:401(18).

16 B. The purposes of the program shall be to:

17 (1) Educate motorcycle operators in the safe operation of motorcycles.

18 (2) Provide for the certification of motorcycle operator education and  
19 training instructors and the training of law enforcement personnel in the proper  
20 operation of motorcycles.

1                   (3) Develop campaigns to promote participation in the program, motorcycle  
2                   safety, and motorcycle awareness.

3                   C. Participation in the program shall be voluntary for any person who meets  
4                   the qualifications of the Department of Public Safety and Corrections to apply for a  
5                   motorcycle operator's endorsement. Those persons who satisfactorily complete the  
6                   program shall receive a motorcycle operator's endorsement without the necessity of  
7                   taking an operator's skill test.

8                   D. The Department of Public Safety and Corrections shall adopt rules and  
9                   regulations in accordance with the provisions of R.S. 49:950 et seq. as are necessary  
10                  and proper to provide for the conduct and operation of the program. Oversight  
11                  review of the rules and regulations shall be conducted by the Senate Committee on  
12                  Transportation, Highways and Public Works and the House Committee on  
13                  Transportation, Highways and Public Works meeting jointly.

14                  E. The commissioner is hereby authorized to purchase for cash, or by  
15                  lease/purchase agreement, all the necessary equipment, training aids, devices, and  
16                  all related materials required to conduct and operate the program with funds  
17                  appropriated for those purposes.

18                  F. The commissioner shall include the program as a line-item expenditure  
19                  in his annual budget.

20                  G. The commissioner may levy and collect a per person charge of not more  
21                  than twenty-five dollars to participate in the program; however, no such charge shall  
22                  be applicable to any commissioned law enforcement officer within the state.

23                  H. Notwithstanding the provisions of any other law to the contrary, the  
24                  proprietor of the motorcycle training school shall not be required to provide a  
25                  motorcycle or motorcycles to be used by students who are taking a test at the  
26                  conclusion of the course.

27                  I. The Motorcycle Safety, Awareness, and Operator Training Program Fund,  
28                  provided for in R.S. 32:412(C)(2) shall continue to fund the operator training,

1 instructor training, and motorcycle safety and awareness programs under the  
 2 operation of the Department of Public Safety and Corrections.

3 Section 2. R.S. 49:308.3(D) is hereby amended and reenacted to read as follows:

4 §308.3. Special funds and dedication of money

5 \* \* \*

6 D. This Section shall not apply to the Motorcycle Safety, Awareness, and  
 7 Operator Training Program Fund as provided in R.S. 32:412~~(E)~~(C)(2) and the  
 8 Proprietary School Student Protection Fund as provided for in R.S. 17:3141.16 ~~and~~  
 9 ~~the Vocational-Technical Enterprise Fund as provided in R.S. 17:2008.~~

10 \* \* \*

11 Section 3. R.S. 17:282 is hereby repealed in its entirety.

12 Section 4. Beginning September 1, 2009, the Department of Public Safety and  
 13 Corrections shall be the sole state entity administering the Motorcycle Safety, Awareness,  
 14 and Operator Training Program.

#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Smiley

HB No. 442

**Abstract:** Transfers jurisdiction of the Motorcycle Safety, Awareness, and Operator Training Program from the State Board of Elementary and Secondary Education and Dept. of Education to the Dept. of Public Safety and Corrections.

Present law provides for the establishment and operation of the Motorcycle Safety, Awareness, and Operator Training Program by the State Board of Elementary and Secondary Education and state Dept. of Education.

Proposed law provides for the establishment and operation of the Motorcycle Safety, Awareness, and Operator Training Program to be by the state DPS&C.

Present law provides that the state Dept. of Education shall adopt rules and regulations necessary for the operation of the Motorcycle Safety, Awareness, and Operator Training Program in accordance with the provisions of R.S. 49:950 et seq.

Proposed law provides that the state DPS&C shall adopt all rules and regulations necessary for the operation of the Motorcycle Safety, Awareness, and Operator Training Program in accordance with the provisions of the Administrative Procedure Act.

Present law provides that the state superintendent of education is authorized to purchase all necessary materials required to conduct and operate the Motorcycle Safety, Awareness, and

Operator Training Program and include the program as a line-item expenditure in his annual budget.

Proposed law provides that the commissioner, or his designee, is authorized to purchase all necessary materials required to conduct and operate the Motorcycle Safety, Awareness, and Operator Training Program and include the program as a line-item expenditure in his annual budget.

Present law provides that subject to the approval of the State Board of Elementary and Secondary Education, the state Dept. of Education may levy and collect a charge to participate in the program not to exceed \$25 and that no charge shall be applicable to any commissioned law enforcement officer within the state.

Proposed law provides that the state DPS&C may levy and collect a charge to participate in the program not to exceed \$25 and that no charge shall be applicable to any commissioned law enforcement officer within the state.

Proposed law provides that the "Motorcycle Safety, Awareness, and Operator Training Program Fund", provided for in R.S. 32:412(C)(2) shall continue to fund the operator training, instructor training, and motorcycle safety and awareness programs under the operation of DPS&C.

(Amends R.S. 49:308.3(D); Adds R.S. 32:402.3; Repeals R.S. 17:282)

#### Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the original bill.

1. Technical amendment which changes the secretary of the department to commissioner.